

Motion GRANTED.  
Sur-reply to be filed  
by 12/27/10.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE



AMERICAN NATIONAL PROPERTY )  
AND CASUALTY COMPANY )

Plaintiff, )

v. )

CAMPBELL INSURANCE, INC., )  
TOMMY L. CAMPBELL, and )  
MARSHA COLLEEN CAMPBELL, )  
and A 2 Z INSURANCE, INC. )  
LIBERTY MUTUAL INS. CO., and )  
MONTGOMERY MUTUAL INS.CO. )

Defendants. )

Case No.: 3:08-CV-00604

Judge Aleta A. Trauger  
Magistrate Judge John S. Bryant

JURY DEMAND

**MOTION FOR LEAVE TO FILE SUR-REPLY IN FURTHER SUPPORT OF MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

Come the Defendants, Campbell Insurance, Inc., Tommy L. Campbell, Marsha Colleen Campbell and A 2 Z Insurance, Inc. (hereinafter "Campbell Defendants"), and respectfully request leave to file a sur-reply to the sur-reply filed by the Plaintiff on December 14, 2010 (Docket No. 332) in further support of the Campbell Defendants' Motion for Partial Summary Judgment. The Campbell Defendants have filed a supporting memorandum herewith pursuant to LR7.01(a). As grounds for this motion, the Campbell Defendants would state as follows:

1. For the first time in this litigation, Plaintiff has now taken the position that it is entitled to liquidated damages for the alleged breach of contract instead of its lost profits that have been calculated by Plaintiff's expert, Tracy Coenen, which the parties have been discussing for months.
2. The deposition of Plaintiff's Rule 30(b)(6) witness, Pat Leeper was taken on December 15, 2010, one day after the filing Plaintiff's sur-reply to the Campbell Defendants' motion for partial summary judgment.